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TO: Examiner: Stephanie L. Willatt
FROM: Applicant: David A. Silva
Application No. 10/082,497

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OCT 05 2004

AMENDMENT

Please amend the following captioned patent application:

IN THE CLAIMS:

1. (Cancel this Previously Presented claim) A hair fastener for use in styling hair of a human being comprising: a zigzag member having a series of substantially sharp angles spread out in alternate directions; and, a wave-like shape formed at each end of said zigzag member; whereby, the zigzag member is placed into a section of hair to secure.

2. (Cancel this Previously Presented claim) The hair fastener of claim 1 wherein said zigzag member is substantially the same width throughout.

3. (Cancel this Previously Presented claim) The hair fastener of claim 1 wherein a decorative member is attached by attaching means to at least one bend of the zigzag member.

4. (Currently Amended) A hair fastener for use in styling hair of a human being comprising:
a zigzag member having a series of substantially sharp angles spread out in alternate directions; **each of the substantially sharp angles are spread out enough to hold a section of hair there between without creating a lot of tension to the hair; and,**

a bobby pin integrally formed at each end of said zigzag member; **each said bobby pin holds the zigzag member in the hair by squeezing and grasping a section of hair;**

whereby, said hair fastener is **adapted to be** placed into a section of hair to secure.

5. The hair fastener of claim 4 wherein said zigzag member is substantially the same width throughout.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8-13-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet, 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Amended Claims should be identified as currently amended or previously presented, also claim 5 missing

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prenotice/office/lyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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